

REMARKS

Claims 1, 2, 5, 7-10 and 17-19 are presently pending. Claims 1, 5, 7, 8, 10, and 17 are presently amended. Claims 3, 4, and 6 are cancelled.

Objection to the Specification

The Examiner objected to the disclosure because it contains an embedded hyperlink on page 1. Applicants have removed said hyperlink, thereby obviating said rejection.

Claim Objections

Claims 7-9 are objected to as being in improper form (for multiple dependencies). Applicants have amended claims 4, 7, and 8 (and therefore, dependent claims therefrom), thereby obviating the objection.

Rejection Under 35 USC §102

The Examiner has rejected claims 1-8 and 10 under 35 USC §102(e), as being anticipated by Rhee et al. (US Publication 20040203003) as evidenced by Ford et al. (Head and Neck, 2003, 25:67-73). Applicants respectfully disagree for at least the following reasons:

Applicants have cancelled claims 3 and 6, and have amended claims 1, 5, and 10 to specifically include small molecules and an antibody or fragment thereof which specifically binds to Fz 6, Fz 7, and/or Fz 8. Support for the claim amendments can be found at least in paragraphs [0040] and [0063] of the present published specification. The application text beginning with paragraph [0063] in particular lists a number of different embodiments of the present invention, and demonstrates that the term "Wnt antagonist," for example, is a genus that encompasses a variety of constituent members. In fact, a close reading of this area of the specification reveals the present Office Action's characterization of claims 1-8 and 10 (in the first full paragraph of page 4 of the Action) to be non-exhaustive. "Wnt1 antagonist" includes but is not limited to an antibody that binds to Wnt1, an antibody that binds to Fz, an sFRP (all of which are listed by the Examiner), and small molecules (not listed by the Examiner).

Secondly, while not acquiescing to the anticipatory nature of Rhee et al., Applicants draw the Examiner's attention to the fact that Rhee et al. has not disclosed some of the present claim elements as exhaustively as may appear at first glance. By

way of example, any antibodies to Frizzled (Fz) that are disclosed by Rhee et al. must bind to Frizzled 2 and Frizzled 5. Said Frizzleds are the only ones mentioned (particularly Fz 2)- and surely the only ones enabled- by the Rhee reference, as evidenced throughout the application in such spots as paragraphs [0056] and [0072] and **Example 5**. Contrarily, the preferred embodiments of the present invention are Frizzleds 6, 7, and/or 8, as supported by at least paragraph [0063], and the presently rejected claims have been amended accordingly.

Nor does Rhee et al. describe the use of small molecules and/or compounds as Wnt antagonists. Contrarily, the present invention describes small molecules and/or "candidate compounds," as well as pharmaceutical compositions thereto, throughout the application (see, e.g., paragraph [0062]). The presently rejected claims have thus been amended accordingly and are clearly not anticipated by the Rhee reference.

The Examiner has rejected claims 17-19 under 35 USC §102(a), as being anticipated by Schroeder et al. (J Biol Chem, June 21, 2002, 277:22692-22698). Applicants respectfully disagree in view of the amendments made to said claims.

As supported by at least paragraph [0064] of the present application, the amendment to claim 17 (and therefore to dependent claims 18 and 19) restricts the kit claims to use of "epithelial cells or cells derived from epithelia, muscle cells, mesenchymal cells, and cells derived from the neural crest." Schroeder, on the other hand, describes carcinoma cells (see, e.g., the Schroeder abstract), and therefore does not render claims 17-19 obvious when combined with any other reference.

Rejection under 35 USC §103

The Examiner has rejected claim 9 under 35 USC §103(a), as being unpatentable over Rhee et al. (US Publication 20040203003) as applied to claims 1-8 and 10, and further in view of Wong et al. (J Pathol., 2002, 196: 145-153). Applicants have stated above the many reasons why the Rhee reference does not anticipate the claims of the present invention. For these same reasons, Rhee- when combined with Wong or any other reference- does not render the claims of the present invention obvious.

The Examiner has rejected claims 17-19 under 35 USC §103(a) in view of Wong et al. (J Pathol., 2002, 196: 145-153). Applicants respectfully disagree because Wong et al. describes Frizzled-related proteins (Frps), and not Frizzleds themselves.

Therefore, every element of claims 17-19 is not met or rendered obvious by prior art teachings, including Wong et al.

Applicants respectfully request entry of the amendments to the claims and the specification and submit no new matter is added thereby. Should the Examiner have any questions, please contact the undersigned attorney.

This response is timely made, with the payment for one month's extension. If it is deemed that additional fees are required, the Commissioner is authorized to charge Deposit Account No. 19-0134 in the name of Novartis.

Respectfully submitted,

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